



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-5**  
**AGENDA DATE: Thu 09/30/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0121 - North Fork Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13945 U.S. Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning and development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Capital Area Management (Max Kuykendall). Agent: Holford Group (Duane Hutson). City Staff: Sherri Gager, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0121

**Z.A.P. DATE:** September 7, 2004

**ADDRESS:** 13945 U.S. Highway 183 North

**OWNER/APPLICANT:** Capital Area Management  
(Max Kuykendall)

**AGENT:** Holford Group (Duane Hutson)

**ZONING FROM:** DR, GR

**TO:** GR

**AREA:** 4.46 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GR (Community Commercial) zoning district.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

9/7/04: Approved staff's recommendation of GR zoning by consent (8-0, J. Martinez-absent);  
J. Gohil-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently developed as part of North Fork Plaza, a retail shopping center located along U.S. Highway 183 between Lakeline Mall Drive and R.M. 620. The applicant is requesting GR zoning because they believe that the Community Commercial zoning district is the appropriate designation for a retail center located at the intersection of two major retail highways within an area of intense commercial and retail development. The applicant had intended to rezone the property in question through zoning case C14-03-0046. However a 4.46 acre portion of the original tract was accidentally excluded from the request and notification process (Request letter- Attachment A). Therefore, the applicant has applied to rezone this remaining 4.46 acres of land to the GR, Community Commercial District.

The staff is recommending the applicant's request for "GR" zoning because of the commercial character of the area and the frontage of the property along a U.S. highway. The proposed zoning will bring the existing uses on the site into conformance with the City of Austin Land Development Code regulations.

The applicant agrees with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Retail Shopping Center
<i>North</i>	CH-PDA	Undeveloped
<i>South</i>	GR	Retail Shopping Center
<i>East</i>	GR	Retail Shopping Center
<i>West</i>	CS	Lakeline Mall Shopping Center

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

227 – Shenandoah Neighborhood Association  
485 – Riviera Springs Community Development Association  
604 – Davis Spring HOA  
701 – Avery Ranch Neighborhood Association  
985 – Davis Springs HHOA

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0046	DR to GR	3/25/03: Approved staff's recommendation of GR zoning by consent (7-0, K. Jackson-not yet arrived, J. Martinez-absent)	4/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)
C14-01-0173	DR to GR	1/15/02: Approved GR-CO, w/ condition prohibiting Pawn Shops (8-0)	2/14/02: Approved GR-CO (7-0); all 3 readings
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR-CO by consent (7-0)	8/17/00: Approved GR w/ conditions on 1 <sup>st</sup> reading (6-0, Goodman-absent)  8/31/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, KW-absent)
C14-00-2148	GO to GR	8/15/00: Approved staff rec. of GR by consent (7-2, RC/JM-Nay)	9/28/00: Approved GR (7-0); all 3 readings
C14-99-2110	DR, SF-2 to CS	3/28/00: Approved staff rec. of GR by consent (5-0)	5/18/00: Approved PC rec. of GR (6-0); all 3 readings
C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR w/ conditions (6-0, WL-absent); 1 <sup>st</sup> reading  5/24/01: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0253	MF-3 to GR	4/13/99: Approved staff rec. of GR (7-0). Also approved MGA for 10 years.	5/13/99: Approved PC rec. of GR (7-0); 1 <sup>st</sup> reading  6/3/99: Approved GR (7-0); and/3 <sup>rd</sup> readings
C14-97-0041	GR to CS	6/3/97: Approved CS (5-0-1)	6/26/97: Approved CS (7-0); all 3 readings
C14-96-0162	I-RR to GR	2/18/97: Approved staff rec. of GR (9-0)	3/6/97: Approved PC rec. of GR (7-0); all 3 readings
C14-96-0147	SF-2. DR to CS	1/21/97: Approved CS (9-0)	2/6/97: Approved CS (6-0); all 3 readings

C14-95-0196	DR to CS	1/23/96: Approved CS (5-0)	2/29/96: Approved CS (7-0); all 3 readings
C14-95-0044	DR to GR	10/17/95: Approved CS as amended w/ ROW (5-0)	11/30/95: Approved CS as amended subject to ROW (6-0); 1 <sup>st</sup> reading  12/7/95: Approved CS (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> reading

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
US Highway 183	400'	Varies	Major Arterial	58,000 ('00)

**CITY COUNCIL DATE:** September 30, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

**PHONE:** 974-3057,

[sherri.gager@ci.austin.tx.us](mailto:sherri.gager@ci.austin.tx.us)



## STAFF RECOMMENDATION

The staff's recommendation is to grant GR (Community Commercial) zoning district.

## BACKGROUND

The property in question is currently developed as part of North Fork Plaza, a retail shopping center located along U.S. Highway 183 between Lakeline Mall Drive and R.M. 620. The applicant is requesting GR zoning because they believe that the Community Commercial zoning district is the appropriate designation for a retail center located at the intersection of two major retail highways within an area of intense commercial and retail development. The applicant had intended to rezone the property in question through zoning case C14-03-0046. However a 4.46 acre portion of the original tract was accidentally excluded from the request and notification process (Request letter- Attachment A). Therefore, the applicant has applied to rezone this remaining 4.46 acres of land to the GR, Community Commercial District.

The staff is recommending the applicant's request for "GR" zoning because of the commercial character of the area and the frontage of the property along a U.S. highway. The proposed zoning will bring the existing uses on the site into conformance with the City of Austin Land Development Code regulations.

The applicant agrees with the staff recommendation.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The GR zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *The proposed zoning should promote consistency, and orderly planning.*

The GR zoning district would be compatible and consistent with the surrounding uses because there are existing commercial uses on the site and to the north and south of the site. There is CH-PDA zoning located to the north, GR zoning adjacent to the east and south side of the property and CS zoning located to the west of the site, across U.S. Highway 183.

GR zoning is appropriate for this location because of the commercial character of the area and the frontage of the property along a U.S. highway.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR zoning district would allow for a fair and reasonable use of the site, as it will allow for the existing retail shopping center use to be in conformance with the Land Development Code regulations.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

This property in question is located near the intersection of two arterial roadways, U.S. Highway 183 and Lakeline Mall Drive.

## EXISTING CONDITIONS

### Site Characteristics

The property under consideration is currently developed as a portion of a retail shopping center.

### Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

### Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the LAKE CREEK Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
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Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

**Transportation**

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

No additional right-of-way is needed at this time.

Capital Metro bus service is available along US highway 183 (Route #71).

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
US Highway 183	400'	Varies	Major Arterial

**Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

**Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the

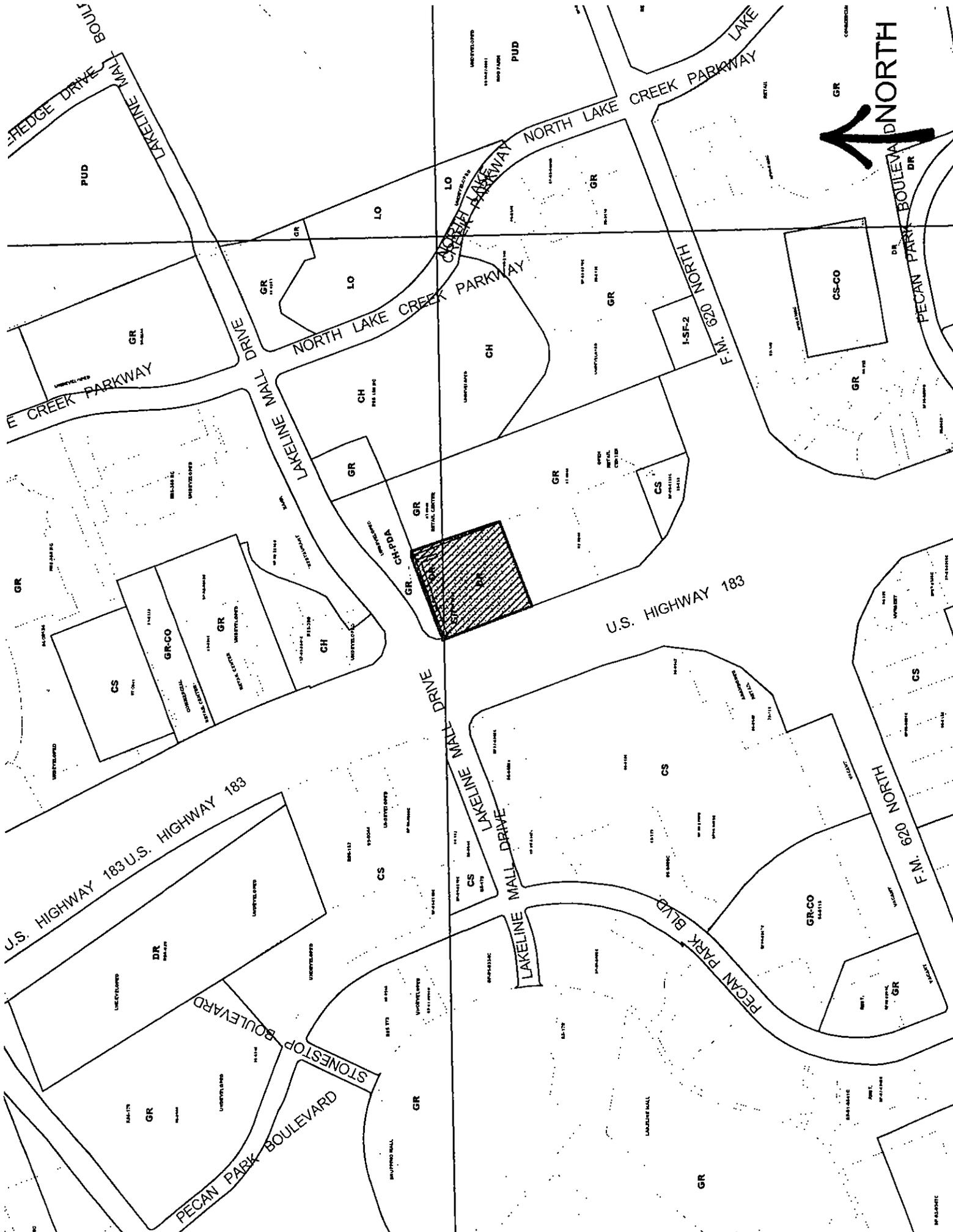
utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria and specifications.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

This site is not subject to compatibility development regulations.





**HOLFORD GROUP**  

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**DEVELOPMENT CONSULTANTS**

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Austin, Texas 78759-8436  
Phone: (512) 346-8181 Fax: (512) 346-9556  
E-Mail: duane@holfordgroup.com

July 29, 2004

Joe Pantalion, P.E., Acting Director  
Watershed Protection and Development Review  
505 Barton Springs Road  
Austin, Texas 78704

RE: Rezoning of 4.46 acres; 13945 U.S. 183 North

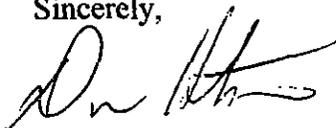
Dear Mr. Pantalion,

Attached is the formal submittal for rezoning of the 4.46 acre, North Fork Century Plaza Tract. The property is located at 13945 U.S. 183 North, near the intersection of Lakeline Mall Drive and 183. The subject tract is located in the full purpose jurisdiction of the City of Austin in Williamson County. The property is located in the Lake Creek Watershed, a Suburban watershed.

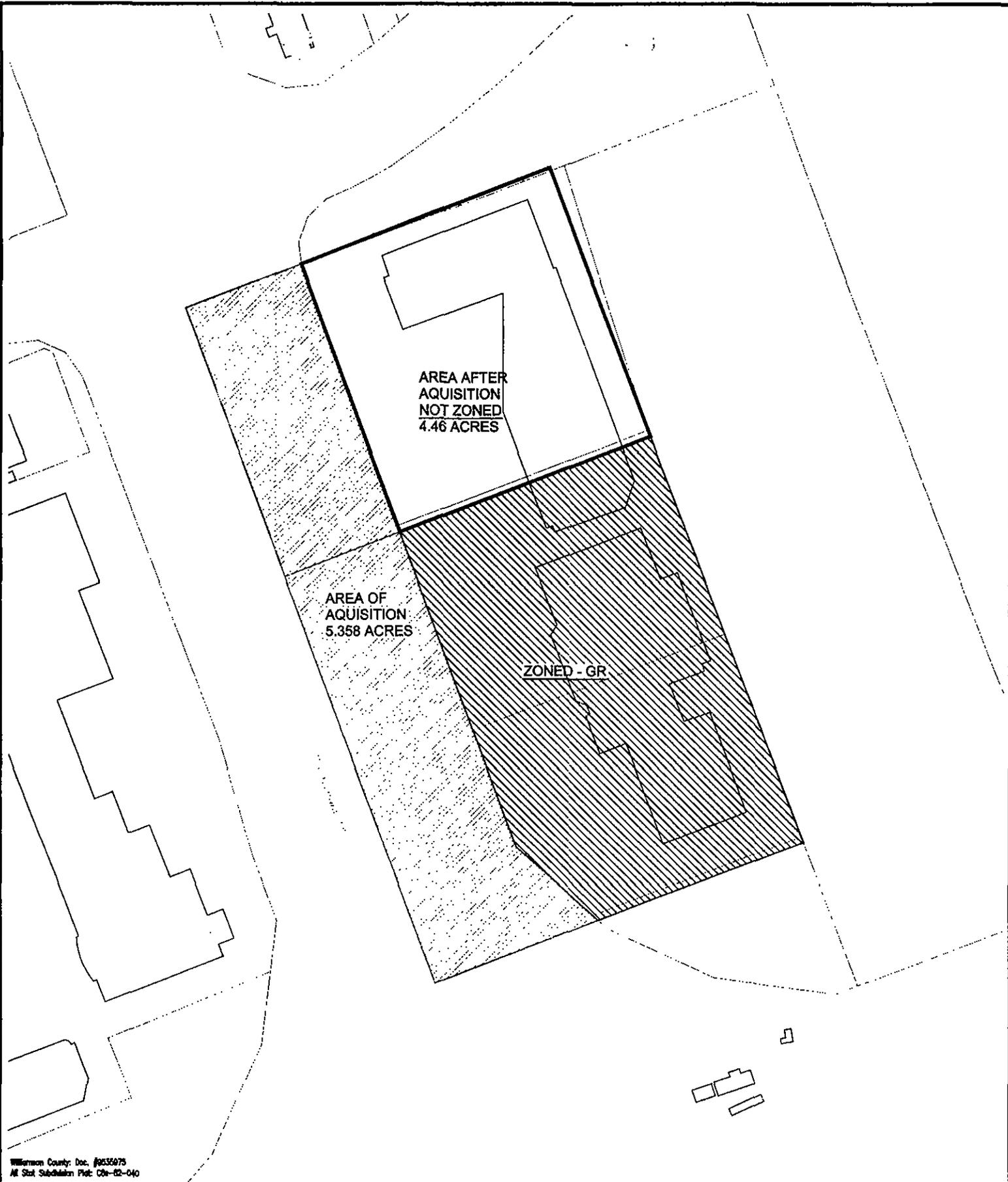
The property is currently developed as North Fork Plaza, a retail shopping center with 164,997 square feet, as it was modified after the acquisition of right of way for US 183 roadway improvements. The proposed rezoning is from DR (Development Reserve) to GR (Community Commercial). The two adjacent tracts to the south of the subject property are part of the North Fork Plaza shopping center and were rezoned to GR in 2003 under case number C14-03-0046. The 4.46 acre tract was intended to be reviewed as part of the aforementioned zoning case, however, the tract was excluded from the notification process. We are seeking to finalize the rezoning of the 4.46 acre tract as expeditiously as possible in order to have continuity on the Northfork Plaza shopping center. As indicated by staff, duel notice is available for the rezoning of the 4.46 acre tract and we would like to request the duel notice and any other assistance that would expedite the review.

If you have any questions please contact our office.

Sincerely,



Duane Hutson, AICP



Williamson County Doc. #9636975  
 All Stat Subdivision Plat: 08-82-040

JOB NO. 171-010  
 DATE 07-14-04  
 DESIGN N/A  
 DRAWN  
 CHECK  
 FIELDBOOK N/A  
 FILE NAME NORTHFORK



-- SCALE --  
 1" = 200'

**NORTHFORK**

**ZONING**

**HOLFORD GROUP**  
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